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THE COMMISSIONS OF GEORGIA TO BENJAMIN FRANKLIN TO ACT AS COLONIAL AGENT

The fact that Dr. Benjamin Franklin was appointed to act at the Court of St. James as the agent of four of the American Colonies during the period of uneasiness beginning with the proposal to pass the iniquitous "Stamp Act" and the years immediately following is one not so largely treated of in history as it deserves to be.

When Grenville, in 1764, gave notice of his intention to introduce that measure, Pennsylvania sent Franklin, as her agent, to prevent if possible its passage. The act was passed, as is well known, although he advised that the Colonies submit. He did not, however, cease to use his influence against its rigid enforcement, and that influence contributed to its repeal; but the act was again passed, and then Massachusetts, New Jersey, and Georgia appointed him their agent to act for them in the period between that time and the separation of those Colonies from the mother country.

In a letter to Wm. Franklin, dated London, 2 July, 1768, he said:

"When the late Georgia appointment of me to be their agent is mentioned, as what may detain me, I say, I have yet received no letters from that Assembly, acquainting me what their business may be; that I shall probably hear from them before that packet sails; that, if it is extraordinary and of such a nature as to make my stay another winter necessary, I may possibly stay, because there would not be time for them to choose another; but, if it is common business, I shall leave it with Mr. Jackson and proceed.

"I do not, by the way, know how that appointment came about,* having no acquaintance that I can recollect in that country. It has been mentioned in the papers some time, but

*James Parton, author of a *Life of Franklin*, suggests that he was recommended by the Rev. George Whitefield.

I have only just received a letter from Governor Wright, informing me that he had that day given his assent to it, and expressing his desire to correspond with me on all occasions, saying the Committee, as soon as they could get their papers ready, would write to me and acquaint me with their business."

Dr. Franklin was, as he said in the foregoing letter, informed of his appointment first by Governor Wright who, at the same time, mentioned that a committee had been appointed to "acquaint him with their business." The action of that committee is now given.

On Tuesday, November 7, 1769, in the Georgia Commons House of Assembly, the Speaker, Noble Wymberley Jones, presented a copy of a letter which, by order of the House, he had written to Dr. Franklin, as Provincial Agent, in these words:

"Savannah, December 24th, 1768.

"To Benjamin Franklin, Esquire.

"Sir:

"By direction of the Commons House of Assembly of the Province of Georgia, I Herewith transmit you their Address to our most gracious Sovereign, which I, on their behalf, desire you will please to have presented as soon after the receipt as possibly may be; the manner of presenting it is left to you, whether in person or otherways.

"I also enclose the resolution of the House authorizing me to transmit the same to you, the House, entirely confiding in your approved zeal for the welfare and the preservation of the rights and liberties of America, make not the least doubt of your concurring with the Agents of the other Colonies in endeavors to obtain a repeal of those Acts of Parliament so grievous to his Majesty's loyal subjects of this Continent and destructive of that harmony which ought to, and they earnestly wish may, subsist between the Mother Country and its Colonies, a restoration of which, we doubt not, you and they will earnestly, warmly and as much as possible promote.

"I am very respectfully,

"Y'r most obed't servant,

"NOBLE WYMBERLEY JONES, "Speaker."

The letter of Speaker Jones was sent probably with the Commission which follows:

AN ORDINANCE,

Appointing Benjamin Franklin, Esquire, Agent to solicit the affairs of this Province in Great Britain.

Whereas, there are many important affairs necessary to be represented, solicited and transacted in Great Britain which can not be effectually done without having an agent there, AND WHEREAS, the General Assembly of his Province have through Benjaming Franklin, Esquire, a proper person to be appointed for the purposes aforesaid; BE IT THEREFORE ORDAINED, and it is hereby ordained by his Excellency, Jas. Wright, Esquire, Captain General and Governor in Chief of his Majesty's Province of Georgia, by and with the advice and consent of the Honourable Council and Commons House of Assembly of the said Province, in General Assembly met and by the authority of the same, that the said Benjamin Franklin be, and he is hereby declared nominated and appointed Agent to represent, solicit and transact the affairs of this Province in Great Britain.

AND BE IT FURTHER ORDAINED that the said Benjamin Franklin shall be and he is hereby fully authorized and impowered to follow and pursue all such instructions, as he shall from time to time receive from the General Assembly of this Province or from the Committee hereinafter appointed to correspond with him.

AND BE IT FURTHER ORDAINED that the Honourable James Habersham, Noble Jones, James Edward Powell, Lewis Johnson, and Clement Martin, Esquires, the Honourable Alexander Wyly, Esquire, John Mullryne, John Smith, Noble Wymberley Jones, John Milledge, John Simpson, Archibald Bulloch, William Ewen, and Joseph Gibbons, Esquires, until others shall be appointed or any seven of them, two of which to be of the Council: Provided, nevertheless, that if after being summoned in consequence of an order from any of the Committee by the Clerk or other person appointed by them

for that purpose to meet the Committee, they shall refuse or neglect to attend then any seven of the persons before named, shall be and they are hereby nominated and appointed a Committee to correspond with the said Benjamin Franklin and give him such orders and instructions from time to time as they shall judge to be for the service of this Province * * * AND BE IT FURTHER ORDAINED that there shall be allowed and paid unto the said Benjamin Franklin for his Agency the sum of One Hundred Pounds Sterling Money of Great Britain over and above his reasonable charges and disbursements on his application to the several Offices and Boards in negotiating the affairs of this Province. AND BE IT FURTHER ORDAINED that the said Benjamin Franklin shall be and continue Agent for this Province for one whole year to commence the first day of June next in the year of our Lord one thousand, seven hundred and sixty-eight.

By order of the Commons House of Assembly.

ALEX WYLLY, Speaker.

By order of the upper House of Assembly.

N. JONES.

Council Chamber, 11th April, 1768.

Assented to:

JA: WRIGHT.

The Committee provided for in the Commission, or Ordinance, to correspond with Dr. Franklin, prepared a letter fully informing him what was to be done by him, and leaving no room for doubt as to the business laid out for him to do. That document is now given:

"Savannah in Georgia the 19th May, 1768.

"Sir:

"From the Great opinion the Governor, Council and Assembly have entertained of your integrity and abilities, they have unanimously concurred in appointing you by an Ordinance agent to transact the affairs of this Province in Great Britain, and we have now the pleasure of enclosing you an authentic copy of the said Ordinance by which you will see that we, with some other persons therein named, are appointed a com-

mittee to correspond with and instruct you in such matters as we may have in charge from the General Assembly to recommend to your solicitation as well as any other matters which may occur to us during the recess of the said General Assembly that we may judge to be for the service of the Province.

"About two months ago our Governor received his Majesty's Royal Disallowances and Repeals of two Acts of Assembly which we think of great moment to the welfare of this Province, namely, 'An Act for the better ordering and governing Negroes and other Slaves in this Province, and to prevent the inveigling or carrying away Slaves from their masters or employers, passed the 25th March, 1765.' Also an Act passed the 6th March, 1766, for encouraging settlers to come into the Province and for granting to his Majesty the sum of 1815 lbs. Sterling to be issued in certificates by the Commissioners herein named for the said purpose and also for the rebuilding the Court House in Savannah, in consequence of an Act of the General Assembly passed the 29th February, 1764. The former Act or something similar to it we can not possibly subsist without. You know that our staple commodities, which in general are the same with those of South Carolina, can not be cultivated and produced without a number of hands, and that it has been found from years experience how that while it would add to the Burthen in this Climate and therefore it was absolutely necessary to allow us the free use of slaves, our first law for the better ordering and governing negroes (passed soon after the King's Government took place here) in the year 1765, was framed on the plan of that of South Carolina, and we never heard any objection against it. The before recited Law of 1765, now repealed, was passed on the expiration of the former, and we thought it was framed on more extensive and humane principles than our former law, or that now in force in South Carolina, and, as we are informed, no reasons now given to the Governor for its repeal, we are truly at a loss to guess what was exceptionable in it. This repeal came to the Governor's

hands a few days before the dissolution of the late General Assembly, and as he well knew the difficulties and distresses the want of such a law must involve us in, he very kindly and prudently consented to the passing a temporary law where every clause in the former law that could be supposed exceptionable was left out, by which means it is too contracted and can not answer all the purposes such a law should extend to. We therefore desire you will inform yourself of the objections made to our former law, and acquaint us of them that they may if possible be avoided in framing a new one (for the present law is only to continue in force for one year) which may at the same time meet with the approbation of Government as well as answer our local circumstances.

"We are also equally in the dark in regard to the objections to the last recited law, for encouraging settlers to come into the Province, and unless it may be the issuing certificates to be sunk in a certain time to defray the services thereby intended. The Court House is now very near finished, and is not only an ornament to this town, but a credit to Government and some people have come and more will come into the Province to settle under the Faith and encouragement of this law, tho' repealed, who must not be disappointed; but how that is to be avoided is a question not easily resolved, and surely those are objects that might (with submission) be supposed commendable and consequently to most with countenance notwithstanding any little impropriety in the means of effecting them. Our legal currency in this Province does not exceed seven thousand pounds sterling which is much, very much, too little to answer the present medium of trade and as that daily increases so does our distress in proportion! We are thoroughly convinced that a larger emission of paper currency than may be requisite for the medium of trade must be attended with bad consequences to the Province, but at the same time we will know, and indeed it must be obvious to any one, that as we have very little opportunity of bringing in any bullion that our trade and commerce must stagnate without such a temporary medium as we can establish among ourselves on

substantial and sufficient funds, which, if we are restrained from doing, it's impossible we can think of carrying on any public works, however necessary, or give any encouragement for the further settlement of the Province because both must be done by ready money or certificates that may answer the same purpose, and therefore we request you will inform us what reasons were assigned for the Royal disallowance to this law, which we need not say may be best understood from the report made thereupon by the Board of Trade to his Majesty.

"We are very sensible, the salary allowed you, tho' as much as has been ever given to any agent of this Province and is indeed what we can at present afford, may not be equal to your services, yet we hope you will accept of our agency, and generally promote our interest and appear and solicit against what you may think may be injurious to our trade and future prosperity, of which you will please to advise us that you may receive our instructions thereupon. * * * This Province, if it meets with no illadvised check, we are persuaded must soon become very advantageous to the Mother Country and considerable in itself. We entirely confide in your known prudence and good sense to serve us and are, with great respect,

"Sir,

"Your most obt. Hble. Servants,

"JAMES HABERSHAM,

"NOBLE JONES,

"LOUIS JOHNSON,

"N. W. JONES,

"JOHN MILLEDGE,

"ARCHIBALD BULLOCH,

"WILLIAM EWEN,

"P. S. We need not acquaint you that the Governor transmits to the Board of Trade authenticated copies of all laws and ordinances passed here under the seal of the Province that you may perhaps hear of your being appointed our agent before this may reach you.

Benjamin Franklin, Esquire, Agent for the Province of Georgia. First copy per the Britannia Capt. Deane. Second per * * *

Savannah, the 26th May, 1768.

"Sir:

"The foregoing is duplicate of our letter of the 19th instant, which was forwarded by the Snow Britannia, Captain Deane, and we have now the pleasure of enclosing you another copy of the Ordinance, and remain with Esteem, Sir,

"Your most obedient humble Serv'ts.

"Signers of the copy of the foregoing letter to Mr. Franklin, viz: James Habersham, N. Jones, Archibald Bulloch, John Milledge, William Ewen, Alexander Wyllly, Jos. Gibbons, John Mullryne, N. W. Jones."

In presenting to the House of Assembly the copy of the letter to Dr. Franklin, in the month of November, 1769, Speaker Jones also reported the receipt of two letters from the former relating to his appointment and the efforts made by him to carry out his instructions as Georgia's agent, and the House, by resolution ordered those letters entered upon the journal. The first was dated London, April 3, 1769, and began by acknowledging the receipt of the letter of the latter of the 24th December in the year 1768, together with the address of the Commons House of Assembly. It is a long letter, and only a portion of it is here quoted. He stated that "the Agents * * * have done their utmost by separate solicitations to obtain a repeal of the injurious Acts, but hitherto in vain, and we are told it is not to be expected this summer. Hints are indeed given that if everything remains quiet in America possibly they may be repealed next year," etc. The other letter was dated June 7, 1769, and in it, after referring to the former communication, the writer added "since when Parliament has risen without repealing the duties that have been so generally complained of * * * that it was the full intention of his Majesty's servants to propose early in the ensuing session the repeal of the duties on glass, paper and painters' colors." It concluded with these words: "If I can

* * * render any acceptable service to your Province in particular, tho' you should not think proper to continue the appointment, it will be a very great pleasure to me."

The Georgia Gazette of the 13th of April (Thursday), 1768, briefly mentioned the appointment of Benjamin Franklin to that important office in these words:

"During the last session of the General Assembly an Ordinance was passed appointing Benjamin Franklin, Esq., Agent to solicit the affairs of this Province in Great Britain."

Massachusetts, through her Speaker of the House of Representatives, on the 11th of February, 1768, sent a letter to the other Provincial Assemblies of America, seeking their co-operation in opposing the offensive measures adopted by Great Britain in trying to place unbearable burdens upon the people settled in her Colonies on this side of the Atlantic, and when the copy for Georgia reached Savannah, the Legislature had adjourned. However, the Speaker of the Assembly, Mr. Alexander Wyly, undertook the work of framing a reply in which he said that "Before the dissolution of the last Assembly the House took under consideration the several late Acts of Parliament for imposing taxes and duties on the American Colonies, and, being sensibly affected thereby, ordered the committee of correspondence to instruct our Provincial Agent, Mr. Benjamin Franklin, to join earnestly with the other Colonies' Agents in soliciting a repeal of those Acts, and in remonstrating against any acts of the like nature for the future. These instructions have been transmitted to Mr. Franklin, and I have no doubt but he will punctually observe them," etc.

The ordinance, or commission, already given made the appointment for only one year, but, at the expiration of that time, it was renewed by the passing of another, as follows:

AN ORDINANCE.

For reappointing Benjamin Franklin, Esquire, Agent to solicit the affairs of this Province in Great Britain, to commence the first day of June next and to continue for one year.

WHEREAS, the Ordinance appointing Benjamin Franklin, Esquire, Agent for this Province in Great Britain will expire on the first day of June next, Be it therefore ordained AND IT IS HEREBY ORDAINED by his Excellency, James Wright, Esquire, Captain General and Governor in Chief of his Majesty's Province of Georgia by and with the advice and consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the authority of the same, that the said Benjamin Franklin be and he is hereby declared nominated and reappointed Agent to represent, solicit and transact the affairs of this Province in Great Britain.

AND BE IT FURTHER ORDAINED That the said Benjamin Franklin shall be and he is hereby fully authorized and empowered to follow and pursue all such instructions as he shall from time to time receive from the Committee herein-after appointed to correspond with him.

AND BE IT FURTHER ORDAINED That the Honourable James Habersham, Noble Jones, James Edward Powell, John Graham and James Read, Esquires; John Mullryne, John Milledge, Archibald Bulloch, William Ewen, Charles Odinsells, Philip Box, William Young and Richard Cunningham Crooke, Esquires, until others shall be appointed or any seven of them, two of which to be of the Council, shall be and they are hereby nominated and appointed a Committee to correspond with the said Benjamin Franklin, and give him such orders and instructions from time to time as they shall judge for the service of this Province. And the said Agent is hereby directed and required in all his Provincial correspondence to address his letters to the person first named in this Ordinance and the other members of the said Committee, who shall as soon as may be, order the Clerk or other person appointed to summon the members of the said Committee to meet and take under consideration the matters contained in such letters and in case of the absence from Savannah of the person first in nomination then any other member of the Committee who shall be present shall cause the said Committee to be summoned and

proceed to business as before directed, but no letter to be opened or the seal broken upon pretense whatsoever before such number of the Committee as aforesaid are met; Provided, nevertheless, that if after being summoned as aforesaid any of the persons so summoned shall refuse or neglect to attend then any seven of the Committee before named are hereby empowered to proceed to business as aforesaid.

AND BE IT FURTHER ORDAINED that there shall be allowed and paid unto the said Benjamin Franklin for his Agency, the sum of One Hundred Pounds Sterling Money of Great Britain over and above his reasonable charges and disbursements on his application to the several Offices and Boards in negotiating the affairs of this Province.

AND BE IT FURTHER ORDAINED that the said Benjamin Franklin shall be and continue Agent for this Province for one whole year to commence the first day of June next in the year of our Lord one thousand, seven hundred and seventy.

By order of the Commons House of Assembly.

N. W. JONES, Speaker.

By order of the upper House of Assembly.

JAMES HABERSHAM, President.

Council Chamber, 10th May, 1770.

Assented to:

JA: WRIGHT.

State.

Concurrent with the reappointment of the Colonial Agent, the Legislature took steps to inform Dr. Franklin fully as to the action taken, and the Legislature hastily adopted the order which follows, and the committee of correspondence prepared the letter of information in addition to the order, as now given:

"Ordered,

"That the Deputy Secretary of the Province do prepare copies of the Ordinance reappointing the Provincial Agent passed the 27th February last, and of that passed yesterday; also the present election law and of the Negro law passed yesterday.

At a meeting of the Committee appointed to correspond with Benjamin Franklin, Esq., Agent for transacting the affairs of this Province in Great Britain, at the State House at Savannah, on Friday the 11th day of May, 1770.

The Honorable

JAMES HABERSHAM,
NOBLE JONES,
JAMES EDWARD POWELL.

The Honorable NOBLE W. JONES, Speaker,
WILLIAM EWEN,
PHILIP BOX,
RICHARD C. CROOKE,

Esqrs. and Present.

The Board appointed John Simpson, Esq., Clerk to the Committee and Mr. Robert Bolton messenger, and then wrote the following letter to be forwarded by the Snow Britannia, Capt. Stephen Deane:

"Savannah, Georgia 11th May, 1770.

"Sir:

"The Britannia, Capt. Deane.

"As we expect a ship is now at Cockspur Road at the entrance of this river bound for England and as we hope to get this on board, we embrace the opportunity of acquainting you that two Ordinances have been passed by the General Assembly, one reappointing you Agent for this Province passed the 27th February last, ending the first June next and another passed yesterday for another year ending the 1st June, 1771. We have not a moment's time (the boat waiting to carry this on board) to say anything on public business of which we have several matters in charge and will be prepared to go by a ship now here that will sail in all this month with copies of the Ordinances properly authenticated. There is 100 lbs. provided for you the present year, and enclosed you have our Governor's Certificate for one hundred pounds for payment of

which you will apply to John Campbell, Esq. (his Majesty's Agent for this Province) for your service from June, 1768 to 1st June, 1769.

"We are, Sir, etc.,

"J. HABERSHAM,

"NOBLE JONES,

"J. E. POWELL,

"N. W. JONES,

"WM. EWEN,

"PHILIP BOX,

"RICHARD C. CROOKE.

"To Benjamin Franklin, Esq., Agent for the Province of Georgia in London."

Finally a third ordinance was passed, making the period of Dr. Franklin's agency last until the year 1773, in the paper which is now given:

AN ORDINANCE.

For reappointing Benjamin Franklin, Esquire, Agent to solicit the affairs of this Province in Great Britain.

WHEREAS, the Ordinance for reappointing Benjamin Franklin, Esquire, Agent for this Province in Great Britain is expired, We therefore pray your most Sacred Majesty that it may be Ordained, AND BE IT ORDAINED by his Excellency, Sir James Wright, Baronet, Captain General and Governor in Chief in and over his Majesty's Province of Georgia by and with the advice and consent of the Honourable Council and Commons House of Assembly of the said Province, in General Assembly met and by the authority of the same, that the said Benjamin Franklin be and is hereby declared and reappointed Agent to represent, solicit and transact the affairs of this Province in Great Britain.

AND BE IT FURTHER ORDAINED that the said Benjamin Franklin shall be and he is hereby fully authorized and impowered to follow and pursue all such instructions as he

shall from time to time receive from the General Assembly of this Province or from the Committee hereinafter appointed to correspond with him.

AND BE IT FURTHER ORDAINED that the Honourable Noble Jones, Anthony Stokes, James Edward Powell, John Graham, James Read, and Henry Younge, Esquires; the Honourable William Young, Esquire, Noble Wymberley Jones, Joseph Clay, Esquires; Sir Patrick Houstoun, Baronet; Thomas Netherclift, John Simpson, William Le Conte, Thomas Shrunder, David Zubly, Thomas Young, and Thomas Carter, Esquires, until others shall be appointed or any nine of them (two of which shall be of the Council) shall be and they are hereby nominated and appointed a Committee to correspond with the said Benjamin Franklin and give him such orders and instructions from time to time as they shall judge to be for the service to this Province, and the said Agent is hereby directed and required in all his letters to the person first named in this Ordinance and the other members of the said Committee, who shall as soon as may be, order the Clerk or other person appointed to summon the members of the said Committee to meet and take under consideration the matters contained in such letters, and in case of the absence from Savannah of the person first in nomination then any other member of the Committee who shall be present, shall cause the said Committee to be summoned and proceed to business as before directed, but no letter to be opened, nor the seal broken upon any pretence whatsoever before such members of the Committee as aforesaid are met; Provided, nevertheless, that if after being summoned as aforesaid any of the persons so summoned shall refuse or neglect to attend, then any nine of the committee before named and empowered to proceed to business as aforesaid.

AND BE IT FURTHER ORDAINED that there shall be allowed and paid unto the said Benjamin Franklin for his Agency the sum of One Hundred and Fifty Pounds Sterling

Money of Great Britain over and above his reasonable charges and disbursements on his application to the several Officers and Boards in negotiating the affairs of this Province.

AND BE IT FURTHER ORDAINED that the said Benjamin Franklin shall be and continue Agent for this Province for one year, to commence from the first of November next the year of our Lord one thousand seven hundred and seventy.*

By order of the Commons House of Assembly.

WILLIAM YOUNG, Speaker.

By order of the Upper House of Assembly.

JAMES HABERSHAM, President.

Council Chamber, 29th September, 1773.

Assented to:

JA: WRIGHT.

*1773. Error in original act.